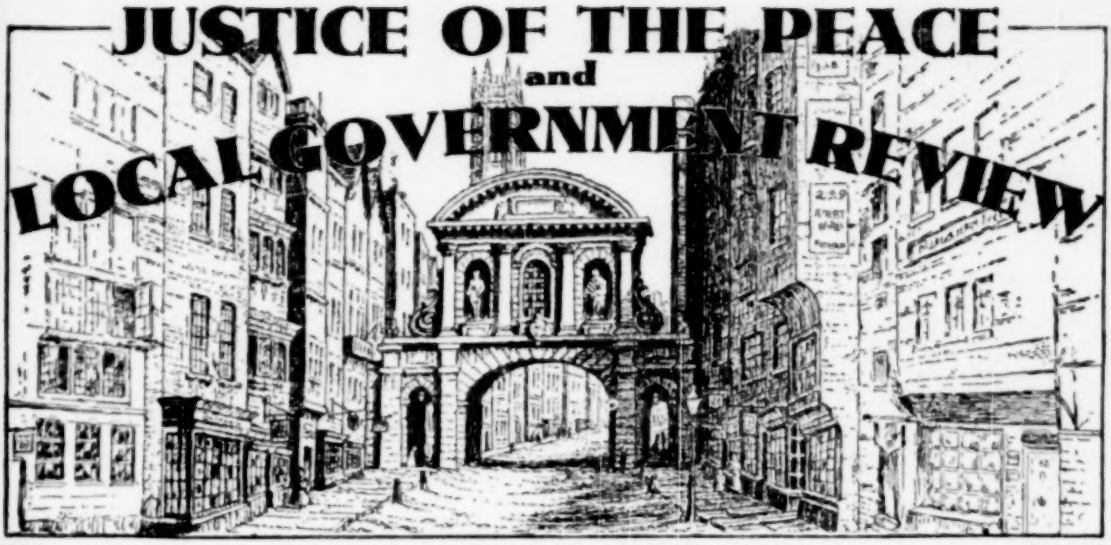

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LEGACIES
FOR ENDOWMENT

THOSE making or revising their Wills may like to consider benefiting some selected aspect of Church Army Social or Evangelistic work by the endowment of a particular activity—thus ensuring effective continuance down the years.

Gifts—by legacy or otherwise—will be valued for investment which would produce an income in support of a specific object, of which the following are suggestions:—

1. **Training of future Church Army Officers and Sisters.**
2. **Support of Church Army Officers and Sisters in poorest parishes.**
3. **Distressed Gentlewomen's Work.**
4. **Clergy Rest Houses.**

Preliminary enquiries will be gladly answered by the

Financial Organising Secretary

THE CHURCH ARMY

55 Bryanston Street, London, W.1

A

Recommendation to Mercy

In recommending a bequest or donation to the RSPCA you may confidently assure your client that every penny given will be put to work in a noble cause. Please write for the free booklet "Kindness or Cruelty" to the Secretary, RSPCA, 105 Jermyn Street, London, S.W.1.

REMEMBER THE

RSPCA

MISS AGNES WESTON'S

ROYAL SAILORS RESTS

PORTSMOUTH (1881) DEVONPORT (1876) GOSPORT (1942)

Trustee in Charge:
Mrs. Bernard Currey

All buildings were destroyed by enemy action, after which the Rests carried on in temporary premises. At Devonport permanent quarters in a building purchased and converted at a cost of £50,000 have just been taken up whilst at Portsmouth plans are well advanced to build a new Rest when permission can be obtained.

Funds are urgently needed to meet heavy reconstruction commitments and to enable the Trustees to continue and develop Miss Weston's work for the Spiritual, Moral and Physical Welfare of the ROYAL NAVY and other Services.

Gifts may be earmarked for either General or Reconstructional purposes.

Legacies are a most welcome help

Not subject to Nationalisation.

Contributions will be gratefully acknowledged. They should be sent to the Treasurer, Royal Sailors Rests, Buckingham Street, Portsmouth. Cheques, etc., should be crossed National Provincial Bank Ltd., Portsmouth.

Official Advertisements, Tenders, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. per line and 3s. per displayed headline. Miscellaneous Advertisements 24 words 6s. (each additional line 1s. 6d.) Box Number 1s. extra. *Latest time for receipt—9 a.m. Wednesday.*

None of the vacancies in these columns relates to men and women coming within the provisions of the Control of Employment Order, 1947, S.R. & O., No. 2041, or the vacancy is for employment excepted from the provisions of the Order.

CORNWALL COMBINED PROBATION AREA

Appointment of Full-time Male Probation Officer

APPLICATIONS are invited for the appointment of a full-time Male Probation Officer for the Western Area of the County of Cornwall.

The appointment will be subject to the Probation Rules, 1949, and the Probation Officers (Superannuation) Order, 1948, and the salary will be in accordance with the scale prescribed by the Rules. The successful candidate will be required to pass a medical examination. The office will be required to provide a motor car and an allowance will be paid in accordance with the scale adopted by the Probation Committee for the Combined Area.

Applications, stating age, qualifications and experience, and accompanied by copies of not more than three recent testimonials must reach the undersigned not later than March 31, 1950.

E. T. VERGER,
Clerk of the Cornwall Combined Probation Area Committee.

County Hall,
Truro.

BOROUGH OF TOTTENHAM

Department of the Town Clerk

Appointment of Second Assistant Solicitor

APPLICATIONS are invited for the established post of Second Assistant Solicitor at a salary in accordance with Grade VIII of the Administrative, Professional and Technical Division of the National Scales of Salaries, *viz.*, £715 per annum rising by annual increments of £25 to a maximum of £790 per annum.

Applicants must be capable advocates and possess good all round experience of legal work especially in Common Law matters. The gentleman appointed will be required to assist in the general work of the department and experience in the legal department of a local authority will be an advantage.

The appointment will be a whole time one and will be subject to the provisions of the Scheme of Conditions of Service of the National Joint Council for Local Authorities' Administrative, Professional, Technical and Clerical Services, and to the provisions of the Local Government Superannuation Act, 1937. The successful candidate will be required to pass satisfactorily a medical examination. The appointment will be terminable by one month's notice, in writing, on either side.

Application forms and Conditions of Appointment may be obtained from the undersigned, by whom applications on the official form must be received not later than noon on Friday, March 31, 1950.

M. LINDSAY TAYLOR,
Town Clerk.

Town Hall,
Tottenham, N.15.
March 17, 1950.

URBAN DISTRICT OF CHERTSEY

Deputy Clerk of the Council

APPLICATIONS are invited from solicitors for the appointment of Deputy Clerk of the Council.

Salary in accordance with Grade VIII of the A.P.T. Division of the National Scales of Salaries, *viz.*: £685—£760 per annum.

Further particulars, conditions of appointment and forms of application may be obtained from the undersigned, to whom applications should be delivered in envelopes endorsed "Deputy Clerk," not later than Saturday, March 25, 1950.

A. REX HERBERT,
Clerk of the Council.

Council Offices,
Chertsey,
Surrey.
March 6, 1950.

LINDSEY (LINCS.) COUNTY COUNCIL CHILDREN'S COMMITTEE

APPLICATIONS are invited in connexion with the appointment of Senior Children's Welfare Officer. Salary Grade A.P.T. III of the National Scale (£450 rising to £495 per annum).

Applicants should hold a Social Science Diploma or equivalent qualification.

The person appointed will be mainly responsible for implementing the Council's boarding out policy, and preference will be given to candidates with experience in this particular field of child care. The successful candidate will be required to provide a car, for which an allowance will be paid.

Applications, stating age, qualifications and experience together with the names of three persons to whom reference may be made, should reach the undersigned not later than Saturday, March 25, 1950.

Canvassing is prohibited; relationship to a member or senior official of the Council must be disclosed.

H. COPLAND,
Clerk to the County Council.

LINCOLNSHIRE

Principal Probation Officer

THE newly constituted Lincolnshire Combined Probation Area Committee, which covers the whole of Lincolnshire, invites applications for the post of Principal Probation Officer. The duties of the officer will be those mentioned in rule 50 of the Probation Rules, 1949, and such other duties as may from time to time be placed upon him by the Committee.

Salary £675 rising by £25 a year to £825 with travelling and subsistence allowances.

Applications stating age and full particulars of education, qualifications and experience, with copies of two recent testimonials, must reach me by April 6.

H. COPLAND,
Secretary to the Committee.

County Offices,
Lincoln.

COUNTY OF KENT

Petty Sessional Division of Bromley

Appointment of Second Assistant to Clerk to Justices

APPLICATIONS are invited for the above mentioned full-time appointment. Applicants should have a sound knowledge of magisterial law and practice and be competent to take courts. A practical knowledge of the work of a justices' clerk's office, including the keeping of magisterial accounts, court registers and records and the drawing up of orders and convictions is necessary.

The salary will be from £500 to £550 per annum according to qualifications.

The successful candidate will be required to pass a medical examination and to contribute to a superannuation scheme.

Applications in the candidate's own handwriting, stating age, present appointment and full particulars of experience, together with copies of two recent testimonials, must be received by me not later than April 3, 1950.

T. W. DRAYCOTT,
Clerk to the Justices.

The Court House,
South Street,
Bromley, Kent.

CITY OF SHEFFIELD

Conveyancing Assistant

APPLICATIONS are invited for the appointment of Conveyancing Assistant in my Department, in Grade APT IV of the National Joint Council's Scales (salary £480 rising to £525 per annum). A comprehensive knowledge of conveyancing is essential and applicants must be able to carry through to completion sales and purchases of freehold and leasehold properties and prepare leases and other documents under slight supervision.

The appointment is subject to the Conditions of Service of the National Joint Council, is terminable by one month's notice, and the successful candidate will be required to pass a medical examination.

Applications, stating age, qualifications, experience, details of previous and present appointments, the names of two referees of whom personal inquiries could be made, and accompanied by two recent testimonials should be delivered to the undersigned not later than March 31, 1950.

Canvassing, directly or indirectly, will disqualify.

JOHN HEYS,
Town Clerk.

Town Hall,
Sheffield, 1.
March, 1950.

WANTED

WANTED—Law Times Reports, vols. 10-33, 59, 64-68, 75-78 and 96-143 inclusive; and The Justice of the Peace, vols. 1-27 inclusive. Apply to the Town Clerk, Guildford.

FOR SALE

FOR SALE—Law Reports, Ch., K.B., P. and A.C. 1904-1911 inclusive; and The Justice of the Peace, vols. 67-87 inclusive. Apply to the Town Clerk, Guildford.

Justice of the Peace
and
Local Government Review
[ESTABLISHED 1837.]

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NOTES of the WEEK

"Convicted Prisoners" and "Untried Prisoners"

Those who work in the courts and those concerned with prison administration have sometimes expressed doubts as to how, in prison, offenders should be classified who have been found guilty and remanded before sentence. It appears from the latest instructions on the classification of prisoners in the London prisons that the official decision is that "convicted prisoners" are to include all those convicted at assizes and quarter sessions and put back for sentence, those committed for sentence from summary courts under ss. 20 (3) and 29 of the Criminal Justice Act, 1948, and also those remanded under ss. 25 (1) and 26 of that Act.

This is a logical way of deciding the matter. For the assistance of the prison officials in those prisons which take both convicted and untried prisoners it appears to require that courts in remanding prisoners to such prisons shall indicate on the warrant of commitment whether the remand is before or after conviction. The scheduled form does not provide for this, but it would appear to be a simple matter, by means of a rubber stamp or otherwise, to give the necessary information to enable the prison officials to deal properly with those committed to their custody.

Excise Duty on a Mechanical Excavator

We have received a report, in a newspaper cutting, of a case in which the Divisional Court reversed a decision of justices that a mechanical excavator was not a mechanically propelled vehicle and that no excise licence was required to be taken out for it.

The legal position was, and is, quite clear. The matter is dealt with now in the Vehicles (Excise) Act, 1949, but this is merely a re-enactment of the former provision. Section 4 (2) (*b*) is the relevant one, and the vehicles therein enumerated are those designed, constructed and used for the purpose of trench digging or any kind of excavating or shovelling work and used for that purpose on public roads or for proceeding to and from a place in order to be used for that purpose. Such vehicles must not carry or haul any load other than such as is necessary for their propulsion or equipment. By the third schedule the appropriate excise duty is 5*s*.

Exemplary Sentences

Sitting at the Central Criminal Court, the Lord Chief Justice uttered some stern observations on the prevalence of crimes of violence and the need for treating them with severity.

For what he described as the most shocking and disturbing case that had ever come to his notice during his seventeen years as a judge, a murderous attack on a woman, he sentenced one lad aged seventeen to seven years' imprisonment, and another, aged fifteen, to detention for seven years in such a place as the Secretary of State might determine.

In the course of his judgment, Lord Goddard is reported to have said: "This case must give one furiously to think if the modern methods of dealing with young criminals are not to some extent responsible for these outrages.

"You, and other young hooligans like you, think you can escape punishment—nothing but approved schools, and that if you were older, the most that can happen to you is detention in a borstal establishment, from which you would try to escape at the earliest possible moment. It ought not to be regarded as a punishment, and it ought not to be thought that, when grave crime has been committed, it is enough. If there is no punishment, how can you expect any diminution in juvenile crime? I consider that this constant binding over is very largely responsible for crime. I am going to punish you both severely.

"The sentences I am going to pass on you may be a warning to others of like kidney. It is not for me to criticize the wisdom of Parliament that prevents me from what I might have done eighteen months ago, when I could have had you well whipped and given you a short sentence. I am going to pass a long sentence as I am satisfied there is no other way of dealing with it. It is not a case for borstal, but a case of callous brutality."

Corporal Punishment

At the same sessions of the Central Criminal Court the Lord Chief Justice sentenced a man aged twenty-five to ten years' imprisonment for robbery with violence. Lord Goddard is reported as saying: "The amount of violence that is going on, not only in London but other parts of the country, is shocking. I believe it is largely due to the fact that you men now know you can no longer be whipped for it. The only alternative is long sentences."

Whether flogging or a long sentence has the greater deterrent effect is the question to which there can be no certain answer. It is possible to arrive at some sort of conclusion about the effect of different forms of punishment upon those who undergo them, by following up their subsequent careers. It is, however, impossible to say how many potential offenders who do not actually commit crime have been deterred by the prospects of this or that punishment. Probably the truth is that different people dread different forms of punishment. Without doubt, some men would be deterred if they were almost certain that violence would lead to a flogging, but quite possibly some reckless youths would rather contemplate that than a really long sentence of imprisonment. A long sentence may have a wholesome effect as an example to potential offenders, and many may be deterred if they believe such a sentence to be almost a certainty. From the point of view of the general public, and of the victims of offences, there may be some satis-

faction in the knowledge that dangerous offenders will be within prison walls for a long time. Whether this is preferable to a short sentence coupled with corporal punishment is a matter upon which opinions will always be sharply divided.

What the police found

A correspondent, a clerk to justices, writes to us inviting our attention to a prosecution about which he feels strongly.

It appears that a motorist going on holiday lost his wallet on the journey; he reported the matter to the police, who found the wallet. Among the contents were petrol coupons which had not been issued to him, and in respect of these he was prosecuted and fined.

Our correspondent comments that the right and natural thing to do was to report the loss of the wallet to the police. He goes on "but if a member of the public is going to get the impression that if in reporting the loss of such personal items as wallets, attache cases or suitcases, every article therein is suspect and liable to minute individual examination with a view to exposing a 'crime,' there is going to be very great hesitancy in so reporting the loss, which will also comfort a thief if he discovers among his spoils something *prima facie* indicating an offence which may assure him that the owner will not go to the police . . . One would have thought that all that need be done was for the wallet to be sufficiently examined to identify it with the owner or the person who reported the loss.

"This particular case can only indicate a deliberate search for the purpose of finding a 'crime,' if possible. It is not an unusual thing to find petrol coupons in a wallet. In fact, anyone making a long journey would be certain to have some. I am aware, of course, there are people, on this vexed question of petrol, who will say that any means are justified to bring the new 'criminals' to book. But a vital principle is involved here.

"An equally serious question arises as to property coming into police hands without it being reported or before the loss is discovered—is this meticulously screened for crime or is it just examined for ownership? And is it regarded as more important to presume crime than to trace the owner—or is the one a stronger incentive towards the latter? If blood-stained clothing and a knife, for instance, be found in a suitcase inquiries would be the merest commonsense, but it is unlikely that a guilty owner would report such a loss, his greatest hope being that the loss was permanent—but that normal and commonplace personal effects reported lost shall be minutely examined and inquired into (and some of us know what these petrol inquiries involve) in the hope of a conviction for 'crime' is at least foreign to our way of life."

Well, that is one point of view. We apprehend that the police look at the matter in quite a different way. We should be surprised to learn that the police would examine obviously personal documents, or sealed up letters, but no doubt they go through the contents of wallets and unlocked despatch cases in order to make a list of the contents. It might well happen that a loser, on having his case restored to him, would say that some of the contents were missing, and for this reason, if for no other, the police need to have a detailed list of contents. As to such documents as petrol coupons, it is well known that many offences are committed in respect of them, and, if, for any reason particular coupons excite suspicion the police doubtless feel bound to make investigations.

We shall be interested to hear the views of some of our police readers.

Requirements in Probation Orders

A correspondent, commenting on our Note of the Week in our issue of January 28, suggests that we might have put the matter more strongly. The insertion of such a condition as described is, he considers, not merely unsatisfactory, but actually illegal. Perhaps we were guilty of an understatement in our desire to avoid appearing dogmatic in criticizing the practice of some courts. Section 4 (9) of the Criminal Justice Act, 1948, states: "Except as provided by this section, a court shall not make a probation order requiring a probationer to submit to treatment for his mental condition." Subsection (2) requires one of four kinds of treatment to be specified in the order, and therefore it does appear that a general requirement to undergo psychiatric treatment or to place himself in the hands of a psychiatrist without naming any institution or practitioner must be contrary to the section, since it does not specify the kind of treatment as laid down in s. 4 (2).

Suspected Persons

There have been various decisions on the meaning of the expression "suspected person" in s. 4 of the Vagrancy Act, 1824. To these must now be added *R.* v. *Clarke* (*The Times*, February 14).

The point in this case was whether a person could properly be convicted as a suspected person or reputed thief loitering with intent to commit felony, by reason of previous convictions of theft or other dishonesty, if those convictions were unknown to the police officers who observed the loitering and arrested the defendant. The case came before the Court of Criminal Appeal because the actual conviction was on indictment for an offence against s. 23 (2) of the Firearms Act, 1937. In delivering the judgment of the court, Humphreys, J., said that the evidence of the previous convictions was clearly admissible, by virtue of s. 15 of the Prevention of Crimes Act, 1871, which refers to the known character of the accused as one means of establishing intention. To hold that evidence of character could not be used in this class of case unless it was known to the officers keeping the observation would tend to make the relevant provision in s. 4 useless, since a thief might change his venue often enough to make it unlikely that his character would become known to the police locally. The cases of *Ledwith* v. *Roberts* [1936] 3 All E.R. 570, and *R.* v. *Fairbairn* [1949] 2 K.B. 690, supported the view that a conviction in the circumstances of this case could be upheld, and the appeal would be dismissed.

It would certainly have proved embarrassing to the police and to the courts if the matter had been decided otherwise. It must happen from time to time that the strength of the case against a suspected person or reputed thief lies to some extent in his previous record of convictions, though, of course, there must be evidence of loitering or frequenting in circumstances justifying suspicion and leading to arrests. If in such cases the police dared not act unless they knew the defendant's record, a considerable number of persons who ought to be arrested and who turn out to have previous convictions, would escape, more offences would be committed, and the public might complain of police inactivity. This latest decision makes the position of the police in this respect quite clear. "Known character" evidently means something different from "known to the arresting constable."

Defamation at Inquiries

An overseas correspondent has asked us a question upon which there seems to be little direct authority. It is whether statements made at a public local inquiry ordered by the Minister of Health

are privileged in defamation proceedings. There are other inquiries where the question might arise. Something may turn, though we should not care to be positive about it, on the distinction now drawn between an inquiry which is fundamentally *lis inter partes*, and one which is a step required to be taken in the process of a Minister's reaching an executive decision. Moreover, an inspector of the Ministry of Health has power to issue witness summonses and to administer an oath (though this is hardly ever done), so that the analogy with a judicial proceeding is close. In *Bottomley* v. *Brougham* (1908) 113 L.T. 111, it was urged by Mr. F. E. Smith on the plaintiff's behalf that an official receiver was *only an official* of the Board of Trade and that *therefore* (italics ours) his report was not privileged. Channell, J., held otherwise, in language wide enough to cover not merely the official receiver but also a witness. In *Collins* v. *Whiteway* (1927) 96 L.J. K.B. 790, Horridge, J., held that a court of referees under the Unemployment Act, 1920, which had to decide whether the claimant was entitled to money out of public funds, was not "deciding between parties, nor does the decision affect criminally or otherwise that status of an individual." *Collins* v. *Whiteway* was expressly followed in *Mason* v. *Brewis* [1938] 2 All E.R. 420. So far as a principle can be extracted from the English case law, we think that this is the principle, and we should say that if a ministerial inquiry (ordered by the Minister of Health or any other Minister) belongs to the class of *lites inter partes*, where the sole object of the inquiry is to do justice between an individual and a local authority, or between two contesting local authorities, then the inquiry is to be regarded as a judicial proceeding for this purpose, so that a witness enjoys absolute privilege, upon the basis that, if he was liable to be sued for what he said, justice might be prejudiced. This, after all, is the reason of privilege in court: it is not given for the purpose of enabling spiteful people to make mischief with unpleasant truths, but lest an honest witness may be deterred from uttering something derogatory, which he believes is true and relevant, by the fear of being sued. Where the issue is not *inter partes*, but is an issue of public conduct or policy, it remains to be seen whether the courts will grant the same immunity. The omens are, as we see them, unfavourable at present, but the wider question, when a proceeding conducted in public is a *lis* and when it is something different, is itself at present far from clear.

Human

The mediaeval topic of debate, whether an archdeacon can be saved, may seem a shade less strange if one remembers that, in an age when the machinery of secular government was rudimentary, the Church had worked out a pretty complete organization of its own, in which the archdeacon might exercise powers over the laity as well as clergy. In a part of the country where the system had developed fully, the archdeacon of 1140 was not unlike the senior regional officer of 1940; to place *num* before the question posed was therefore parallel to arguing for "local" as against "regional" solutions, in the controversies of the decade just now ending. Another question of the same sort which the modern mind will find more natural is whether officials can be human. That *nonne* may sometimes be its proper prefix is suggested both by the note we printed at p. 97 *ante* about payments by the Central Land Board, and by a further notice now issued by the Board, who have asked the newspapers to make it known. This relates to claims under s. 58 of the Town and Country Planning Act, 1947. Some such claims, if related to the whole of the area described in the claim, would be disqualified under s. 63, but might not be so disqualified if they related only to a part of that area. According to s. 63 no payment can be made if the development value is (on average) £20 or less per acre, or one-tenth or less of the restricted value. As an illustration, a claim may have been made for ten acres of land, whereas only one acre, adjoining a road, has development value. This development value might be, say, £150 for the erection of a house. The development value of the whole ten acres is however (on average) less than £20 per acre. In another case a claim may have been made in respect of a site with frontages to two roads, the one frontage being fully developed by a shop and the other being suitable, without injury to the shop, for the erection of garages. The restricted value of the whole is £7,500. The only development value resides in the land fronting the road at the rear, which is suitable for the erection of garages. The development value (say £500) of the land under claim is less than one tenth of the restricted value (£7,500). In each of these cases, if the area of land to which the claim refers were suitably reduced, s. 63 might not apply, and thus the owner might be entitled to a payment which, upon the claim as he actually made it, would be defeated by the section. The Central Land Board have decided that in cases of this description the claimant can be given an opportunity to reduce the area to which his claim relates, if he so desires. Any claimant who desires to take advantage of this opportunity must do so on the understanding that, if he does so, the claim cannot be revived in its original form. A claimant who thinks that his claim falls within this description should, in his own interest, inform the Board to this effect without delay. He will, in due course, receive from the Board a form S.I.D. to complete. Where no such notice has been received, the Board announce that they will themselves endeavour to draw the claimant's attention to this facility wherever it seems to them to apply, but they cannot guarantee that they will be able to do so in every case.

Appointments in Local Government

The *Municipal Review* for February draws attention to a matter concerning local government appointments which we think deserves the consideration of other local authorities besides municipal corporations. It is pointed out that many local authorities are still very rigid in outlining the type of experience which they require from persons seeking senior administrative appointments. In making technical appointments the call for special experience is understandable, but it is suggested that in the more senior administrative posts there is little cause for limitation and it is bound to have a restrictive effect on the freedom of movement of local government officers. As stated in the article, it has always been regarded as in the best interests of local government that promotion in the service should be obtained on a competitive basis by movement from authority to authority. In this way experience is gained to the great benefit of the work, but if particular kinds of local authority insist on experience only within the type of which they are a member, then considerable restriction of movement and experience must follow.

We would like to add a plea for more transfers between the local government service and the civil service on which we have expressed views previously. This is now made easier by the new provisions for the interchange of superannuation rights. Further, local authorities would do well, we think, to remember that in the civil service it is not at all unusual for a senior official to be transferred from one department to another. We agree, therefore, with the views expressed in the *Municipal Review* that an applicant fit to be considered for appointment to a post of high responsibility should be capable of administering any service within the scope of the authority which he is to serve. This accords with the view which has always been taken in regard to employment in the government service.

THE TREATMENT OF OFFENDERS IN COLONIES AND PROTECTORATES

It is always rather exciting to be a pioneer in any field, and the field of penal administration and the problem of the offender is no exception. To start up a new type of prison or to organize probation in a country which has not yet known these things must be a pleasant adventure as well as a responsible task. For many years past this kind of thing has been going on in the colonies and protectorates of the British Commonwealth and Empire, and even in mandated territories. The policy of the home government, as we understand it, is to send out men and women to instruct and help, to lay the foundations upon which members of the native population can build, in the assurance that help and sympathy can be counted upon from British officials on the spot or in this country.

There have been interesting developments, in some of the colonies. Some years ago an English magistrate on leave from a colony told how something like probation work was being carried on there without any probation system or probation officers. It was largely a Roman Catholic community and he placed all his probationers under the supervision of nuns. To an astonished questioner who asked if this applied to men, he answered that it did and that it was working very well. Today, money is available for probation in the colony and a probation system is being organized. From many colonies men and women are coming to this country, already equipped with a good education, to learn as much as they can of our laws and our methods of treatment of offenders, so as to take back knowledge which may be of help to the colony from which they have come. They are of many races and diverse religions, but they are all imbued with enthusiasm for the work they are undertaking and with a desire to profit from the observation and experience afforded by a visit to this country and the co-operation supplied by Government departments here, and by officials and social workers who are as anxious to help them as they are to learn. Some come from colonies or protectorates where most of the native population is backward and illiterate, but they themselves are sure to be cultured and enlightened. They look forward to the time when increasing numbers of their fellow countrymen will be educated so that their country may absorb more and more of the British laws and methods with such modifications as may be necessary having regard to local customs and beliefs.

We have found of peculiar interest a report that has just reached us from the Uganda Protectorate. It is the annual report on the treatment of offenders for the year 1948, and although it occupies only twenty-six pages, including statistical tables, it throws a strong light on the work that is going on in the protectorate, a country of some 93,000 square miles with a population of just under five millions, mainly African, partly Asiatic, with a few thousand Europeans.

Probation is in its earliest stages. Just over two years ago a probation officer was seconded from the Home Service for the purpose of organizing probation work under the Public Relations and Social Welfare Department. The necessary legislation was passed in the form of an amendment of the Criminal Procedure Code, enabling the courts to put both juvenile and adults on probation with supervision. This is only a beginning, for the report says: "The new legislation, is not intended to be a final measure, but will enable the Courts and the Probation Officers to gain experience in the working of the Probation system in the protectorate, and the experience thus gained will be used in preparing more comprehensive legislation at a later date."

The difficulties under which pioneer work in such places has to be done, and the way in which they are being met, are indicated in this passage: "The absence of approved schools, remand homes, probation homes and hostels places a heavy burden on the shoulders of probation officers, who have to depend entirely upon themselves for the rehabilitation of persons placed under their supervision. In view of this, a *Foster Parent scheme* is being formulated, the object of which is to provide suitable living conditions and supervision of juvenile delinquents on probation and thereby fill the temporary need for an approved school."

The work has been begun by three full-time male African assistant probation officers who, having had some practical training, were to attend a further training course in Nairobi last year. An interesting detail is that no difficulty was experienced in the supervision of an Indian juvenile by an African officer. Already several probationers from Uganda are being supervised in Kenya, and it is expected that as the probation system grows there will be an increasing number of probationers dealt with in one territory being supervised in another. The report says that in due course it will be necessary to correlate supervision by probation officers throughout East Africa, with legislation making it possible to deal with a breach of probation conditions. The provisions of ss. 9 and 10 of the Criminal Justice Act, 1948, may be found useful as indicating to some extent the form which such legislation might take.

At present, probation cases in the protectorate look very expensive. In fact, it costs nearly twice as much to look after a probationer for a year as it does to keep a man in prison. Two points have to be remembered. The first is that food is so cheap that a prisoner can be adequately fed for less than 3*d.* a day. The second is that probation is in its initial stages, the case-loads of the officers are small, and when the numbers are much increased as they will be, the cost of salaries and general establishment charges will be little more than they are at present, so that it is hoped to make a marked decrease in the cost attaching to each probation case. It is likely, however, that travelling expenses will always be rather heavy.

The Prisons Department reports an increase in the number of persons sent to prison during the year, but as this is accounted for largely by remands it may be hoped that it is a sign of an increasing use by the courts of remands for inquiries so that the best form of treatment may be decided upon. The problem of the juvenile is being dealt with on progressive lines with a view to reducing committals to prison. The report records the fact that financial provision has been made for the establishment of an approved school and a reform school.

There are two classes of prison in Uganda: one administered by the Protectorate Government, the other by the native administrations. As the report states: "African Local Government Prisons exist as a corollary to the system of Native Courts." In the former class there is at least one prison, a prison farm for long term prisoners without previous convictions, run on "minimum security" lines of the native authority prisons, in which prisoners are employed on farm and other productive work, it is said that they are nearly self-supporting and that the prisoners almost invariably improve in health. In the case of the Protectorate Government Prisons there is a high percentage of prisoners serving sentences of less than six months, but attention is called in the report to the fact that the number

has been considerably reduced, so that it appears that there is recognition of the general undesirability of short sentences.

A local problem is revealed by the following: "The increase compared with the 1947 figures, in the number of recidivists admitted to Jinja prison during the year and the decreases in recidivist admissions to the Prisons at Mbale and Luzire (Kampala) may not be without significance in view of the large developments taking place in and near Jinja. The establishment of large labour camps is bound to attract the "easy money" gangs, the "card sharpers," the "spivs" and all the "parasitical growths" which inevitably attach themselves to such camps."

After-care does not appear to be a pressing problem, chiefly because there is no difficulty about finding work for the ex-prisoner. "In present circumstances no African need be unemployed for long in Uganda." However, it is no doubt realized that after-care is not confined solely to the question of employment, and perhaps it may not be long before some kind of society or department for dealing with this matter will be set up.

The report is an encouraging document, showing how European help can play its part in gradually entrusting men and women of less advanced races with an increasing share in the management of their own people and institutions. Uganda is just one of many places in which the good work goes on.

DISPENSATIONS AND LICENCES

The decision of the Court of Appeal in *Falmouth Boat Construction, Ltd.* v. *Howell* reported in *The Times* for February 11, 1950, does not at first glance seem to concern local authorities. It related to a claim for the cost of repairs of a launch, which had been bought by defendant at the end of 1946 and handed to the plaintiff company in 1947 for conversion into a passenger carrying vessel. The plaintiff's bill for the work amounted to some £7,000, and the claim related to an unpaid balance of more than £4,000. The defendant admitted that the work had been done, but denied liability upon the ground that the work had been illegal. The reason why he so contended, and why the Official Referee from whose decision the appeal was brought had found in his favour, lay in an order of the Admiralty made under reg. 55 of the Defence (General) Regulations, 1939: the Restriction of Repair of Ships Order, 1940, S.R. & O. 1940, No. 142. This forbids ship repairing firms to carry out repairs and similar work on ships, except to the order of a government department or "under the authority of a licence granted by the Admiralty." The Admiralty had duly authorized the Board of Trade surveyor at Falmouth to grant licences on their behalf, and it had been the surveyor's practice to grant these licences in writing but, in advance of the formal issue of a licence, to give oral authority in proper cases for work to proceed. The latter was said by the Court of Appeal to be a sensible and proper course; it was parallel to what is regularly done under a building contract, where the architect has authority to permit the contractor to do this or that. What happens is that, when visiting the work, the architect instructs (or orally allows) the contractor to "get on with the job," and after he has gone back to his office, sends the written authority required by the standard building contract, which is the ultimate authority for charging the building owner. No doubt the Board of Trade surveyor at Falmouth would spend much of his time on board ships in the harbour, and it would have been an unreasonable interference with the carrying out of work which was required in a hurry, if the repairing firm had always been obliged to wait for his written licence. The propriety of the course which he in fact adopted had been recognized in a circular from the Admiralty dated June, 1942, signed by the Director of Merchant Ship Repairs who said: "I understand that it has been made clear to you that when you are dealing with reliable ship repairers, and owners with a good record, you ought not to delay the putting in hand of obvious repairs, merely pending the actual issue of a licence." The propriety of the surveyor's acting on this circular was the more evident in that at Falmouth he was the only licensing officer enjoying this delegated authority from the Admiralty, and that he might have twenty or twenty-five ships in the port for repair at a time. The clerical work involved in going through schedules and specifications, and making out the formal licences, must have been substantial so that, as he said in evidence: "It was quite a common practice to defer the issue of the licence until time permitted. In the meantime I would give permission for the work to carry on. If I had not done that, ships would have had to spend longer in port than was necessary."

Local authorities perusing the report in *The Times* will not fail to notice the parallel with civil building licences under reg. 56A of the Defence (General) Regulations, 1939. The practice of the ship surveyor at Falmouth was much like that followed in innumerable cases, under the various orders of the Minister of Works made in pursuance of that regulation. Yet in *Jackson, Stansfield, & Sons* v. *Butterworth* [1948] 2 All E.R. 558; 112 J.P. 377, the Court of Appeal, constituted differently from that which heard *Falmouth Boat Construction, Ltd.* v. *Howell*, came to an opposite conclusion. In *Jackson, Stansfield, & Sons* v. *Butterworth* plaintiffs had done work exceeding that authorized by a formal licence issued on behalf of the Minister of Works; for the excess they had oral permission from the borough surveyor, who was the proper licensing officer. Some months afterwards, after the work had been completed, his formal written licence was issued. In an action by the plaintiffs to recover the cost of the work, the building owner successfully contended that the excess cost was irrecoverable, because it had been illegally incurred in absence of a written licence, and that it could not, as between plaintiff and defendant, be retrospectively made valid by licence granted after it was finished. So far, the only difference we can see between the building case and the ship repairing case is that the formal licence may, in the ship repairing case, have been actually issued (this does not appear from *The Times* report) before the work was completed, although not before it was put in hand. If this be so, the difference might upon the reasoning in *Jackson, Stansfield, & Sons* v. *Butterworth*, have supported part of the Falmouth Boat Construction Company's claim, but could not have supported it all. When the ship repairing case comes to be reported more fully than in the newspaper before us, it may be found that there is some other difference between the two cases, on which the decisions can be reconciled. At the moment, it looks to us as if the two divisions of the Court of Appeal have reached inconsistent decisions upon what is essentially the same point of law. It is perhaps to be observed that, although in each there was discussion of criminal liability as well as civil, in neither case were there criminal proceedings, so that there was no question of giving anybody the benefit of any doubt, or of mitigating a penalty by reason of the action taken by a public officer. In each case the proceedings were between one private person and another, and the defendant set up against the plaintiff's claim the ordinary rule of law that

an action will not lie to recover the costs of doing something which cannot lawfully be done.

There is in each of the cases a secondary point, made by Scott, L.J., in the building licence case and by Denning, L.J., in the ship repair case. This is the effect, on the operation of the statutory order, of a non-statutory document issued by the authority concerned with the making or enforcement of the order. In the building licence case the Minister of Works had issued printed notes, for the guidance of local authorities concerned with building licences and of applicants for building licences, and the Minister of Health had issued parallel circulars to local authorities. The notes or circulars, or some of them, purported to be confidential, and to advise or instruct licensing authorities how to exercise their powers. Scott, L.J., criticized what had been done in regard to these building licences, upon grounds derived from the judgments of the court of which he had been a member in *Blackpool Corporation* v. *Locker* [1948] 1 All E.R. 85; 112 J.P. 130, and expressed the opinion at some length that the printed notes from the Ministry of Works and/or the circulars from the Ministry of Health were in the nature of legislation, which ought to have been embodied in statutory rules and orders, and could not, in the form in which the documents were issued, do away with the requirement of a written licence. In the ship repairing case Denning, L.J., preferred to take the line that the circular to ship surveyors, from which we have quoted above, amounted to an amendment of the statutory order, even though it had not been put through the machinery usual for an order under the Defence Regulations; that it was not necessary for the order of 1940 to have been issued in the S.R. and O. series, though in fact it was; that, this being so, the Admiralty could (apparently) make a further order or a varying order without formality at all. And so he felt able to construe the circular they issued, and the action taken under it, *ut res magis valeat quam pereat*. His lordship apparently assumed either that the circular was an order made under the Defence Regulations, or that the Admiralty had, in the privacy of their own board room, made an unwritten order to which the circular gave effect.

This in itself seems passing strange, but there is yet a third point about this decision which is still more strange and, we cannot help thinking, is potentially dangerous. "Assuming," said his lordship (we are quoting from *The Times*) "that he was wrong and that it ought not to be presumed that the original order had been varied. Nevertheless, he declined to believe that the ship repairers were guilty of any illegality. They . . . had no means of knowing the orders, or at any rate they had no sure means, because the Admiralty was not bound to publish them. They could rely only on what they were told by the licensing officer. Could it be seriously suggested that, having relied on him, they had been guilty of an offence? In his (his lordship's) judgment there was a principle of law which protected them from such an injustice. It was a principle of particular importance in present days, when the officers of government departments were given much authority by orders and circulars which were not available to the public. The principle was that whenever government officers, in their dealings with a subject, took on themselves to assume authority in a matter with which the subject was concerned, he was entitled to rely on their having the authority which they assumed. He did not know, and could not be expected to know, the limits of their authority, and he ought not to suffer if they exceeded it."

This "principle" as Lord Justice Denning calls it, is new to us. We admit the hardship, and it may be the injustice, to the private person, of finding that he is obliged to rely upon a public officer, without having in practice any means of knowing whether the public officer is right or wrong. This, however, is nothing new: it will be found mentioned in Cmd. 9218 of 1918, the Report of the Departmental Committee on Building Byelaws. It is true enough that the lapse of thirty years, and the occurrence of another war, have so remodelled ordinary life that many of the most ordinary transactions require some sort of public sanction, but we see no justification for distinguishing, here, between officers of the Crown and officers of local authorities: in the building licence case above mentioned, the borough surveyor was (in relation to the licence) an officer of the Crown, and not of the local authority, but in other cases, much the same from the private builder's point of view, the borough surveyor will be a purely local functionary. Now, if Lord Justice Denning's supposed principle is applicable, you have in the first place virtually a dispensing power, contrary to the Bill of Rights, vested in officials. A at the request of B carries out work which a public officer tells him is legal, and thereupon acquires rights against B—even though the officer be wrong, and the work be contrary to law. It seems to us that the so-called "principle" flies also in the teeth of the decisions in *Re Mackintosh and Pontypridd Improvements Co.* (1891) 61 L.J.Q.B. 164, and *Yabbicom* v. *King* (1899) 63 J.P. 149, and of s. 65 (5) of the Public Health Act, 1936, which is based on those decisions. Suppose that a borough engineer or other local officer, who in the ordinary course has to communicate to applicants the approval or disapproval of their building plans, accidentally confuses two names and issues an approval notice by mistake. Upon the learned lord justice's supposed principle, the recipient of the approval notice acquires immunity from prosecution or injunction and, it may be, civil rights enforceable against other persons. We cannot think that this is the law: an erroneous piece of information by a public officer cannot, we submit, affect the rights of its recipient, let alone of other persons. The true effect of the erroneous information surely is that it gives the recipient if found guilty something which he can plead in mitigation: it may give him a civil right in some cases against the official who misled him; it cannot give him rights against other persons or put him, if he be prosecuted, in the position of not having committed the act charged.

CORRESPONDENCE

[The Editor of the *Justice of the Peace and Local Government Review* invites correspondence on any subject dealt with in its columns, for example, magisterial matters, probation, local government, etc.]

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

CRUELTY TO CHILDREN

May I draw your attention to the clerical error occurring in the penultimate line of the article under Miscellaneous Information headed "Cruelty to Children," at p. 52 *ante*.

In describing the number of visits paid by the Inspectors employed under the N.S.P.C.C. it is stated that the visits of the Inspectors worked out at 1,850 visits per Inspector per annum which gave six "minutes" a day. Surely this should be six "visits" a day.

I have acted as Cases Secretary for the N.S.P.C.C. for more than twenty years and I read the article with great interest, hence the fact that I noticed the above discrepancy.

Yours truly,

ERNEST W. GILL.

Pomery & Gill,
Solicitors,
Bodmin.

[We are grateful to our learned correspondent.—*Ed. J.P. & L.G.R.*]

WEEKLY NOTES OF CASES

COURT OF APPEAL

(Before Cohen and Asquith, L.JJ. and Roxburgh, J.)

PEARSON *v.* LAMBETH BOROUGH COUNCIL

February 15, 16, 17, and March 1, 1950

Negligence—Licensee—Licensor's knowledge of potential danger—Public convenience—Injury caused through grille at head of stairs being pulled forward by children.

APPEAL by plaintiff from Lambeth County Court.

The plaintiff sustained injuries when leaving a public convenience belonging to the Lambeth Borough Council through his head coming into violent collision with an overhead grille which had been partially drawn forward by the action of children swinging thereon while he was in the convenience. The grille was used to close the convenience at night. It could readily have been kept back in position if it had been padlocked and the key left in the custody of the lavatory attendant (as was done at several other conveniences provided by the local authority), so that nobody but the attendant would have been able to pull it forward. It was found as a fact that the council were aware, through their servant, the lavatory attendant, that children were in the habit of swinging on the grille and that that conduct was liable to pull the grille forward, but they did not know that it had in fact been pulled forward while the plaintiff was in the convenience.

Held, assuming the plaintiff to be a licensee and not an invitee, it was sufficient to constitute actual knowledge of the danger that the council knew that there was present a physical object capable of being put into a dangerous condition by the action of third persons who were quite likely to act in such a way having regard to their past behaviour or inherent qualities, and, therefore, the defendants were liable to the plaintiff in damages.

Counsel: *Stephen Terrell* for the plaintiff; *Dennis Thompson* and *Robert Hannay* for the defendant council.

Solicitors: *Victor Mishcon & Co.*; *O. L. Roberts*, town clerk, Lambeth.

(Reported by C. N. Beattie, Esq., Barrister-at-Law.)

COURT OF CRIMINAL APPEAL

(Before Lord Goddard, C.J., Sellers and Devlin, *JJ.*)

R. *v.* FURLONG AND OTHERS

February 20, 21 and 24, 1949

Criminal Law—Trial—Communication from jury to judge after retirement—Question and judge's answer put into writing—Return of verdict—Discharge of jury—Question and answer then read by judge in open court before sentence.

APPEALS against conviction.

The appellants were convicted at Essex Assizes before HUMPHREYS, J., of larceny and conspiring to steal. After the jury had retired to consider their verdict, and during the course of their deliberations, they desired to ask a question of the judge. The judge had left the court and gone to his lodgings, and he directed his clerk to go over to the court and ask the jury to put their question into writing. The jury put their question in writing and it was handed to the bailiff. The judge returned to court immediately after putting his answer into writing, and the answer was taken back to the jury. Almost immediately afterwards the jury returned to court and gave their verdict. After they had been discharged, the judge read out in open court the jury's question, which was whether they could convict one of the prisoners of stealing some, but not all, of the property named in the indictment, and his answer, which was "Yes, of course." The judge postponed sentence on the prisoners till the following day.

Held: that although it would have been better if the jury's question and the judge's answer to it had been read out by the judge in open court before the jury returned their verdict, yet, as the question and answer were read out by the judge in open court before the conclusion of the trial, and the question was one on which the judge could not possibly have allowed any argument to take place, there had been no irregularity which went to the root of the case or which necessitated the quashing of the conviction. The appeal must, therefore, be dismissed.

Counsel: *Caswell, K.C.*, *Gillis* and *Sells* for the appellants; *Bass* for the Crown.

Solicitors: *Hamlin, Brown & Co.*; Director of Public Prosecutions.

(Reported by T. R. Fitzwalter Butler, Esq., Barrister-at-Law.)

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REVIEWS

After Court Hours. By Gilchrist Alexander. London : Butterworth & Co. (Publishers) Ltd. Price 10s. 6d.

This work consists of a selection of articles which had been published in the *Law Times*, now collected with six caricatures by "Kapp." The learned author has been a judge of the High Court of Tanganyika and elsewhere overseas. He gives his reminiscences of the Temple in old days; of bench and bar in London; and of the South Seas regarded, particularly, from the point of view of an English practitioner and judge. Part I, which is especially devoted to the Temple, contains an immense amount of information upon old customs and the peculiarities of well-known characters, such as Willes Chitty, in whose chambers the author read; J. B. Matthews, Charles Mathews, and many others. (The book is dedicated to the memory of Theo. Mathew). Whilst some of the reminiscences are such as one finds in every book of this type, there are illuminating suggestions here and there—for example, that the greater length of causes in the common law courts at the present day is due to the development of typewriting and shorthand, which means that commercial transactions become involved in verbiage, which would have been avoided when letters were handwritten. So again one is reminded of the notion embodied in the original Workmen's Compensation Act, 1897, that the county courts should be used as arbitration tribunals, without the law's involutions and delays: a notion destined to speedy and disastrous disappointment. The second part of the book comprises, chiefly, reminiscences of judicial persons and selected advocates. These cover such varied characters as Hamilton, afterwards Lord Sumner, Cripps, afterwards Lord Parmoor, and the famous and unseemly quarrel between Scrutton and McCardie, when they were both on the bench. There is a judicious appraisal of Lord Hewart, and several other much discussed personalities, and a most valuable and suggestive essay on the good and less good aspects of courts martial. This part contains also, in its observations of Lords Watson and Dunedin, some suggestive remarks upon the advantage of a Scottish legal training, for one who aspires to the highest judicial functions in the British Commonwealth. Part II ends with the redoubtable figure (now, we fear, forgotten) of Samual Pope, Q.C. Part III begins with bench and bar in Fiji, and passes through various corners of the Empire, in which the learned author has filled judicial office. Perhaps the most interesting chapter here is on the joint court of the New Hebrides, for which few people have had any good to say. It must, at least, have been an interesting experience to be a judge in a court where the president was nominated by the King of Spain (in order to secure equality) while the English and French, sharing the *condominium*, appointed the other two judges. It is a long time since a book of legal reminiscences appeared, containing such a variety of matter in a small compass; the publishers are to be congratulated, upon having thus diverged for a moment from their regular occupation with the more solid aspects of the law.

Maiden Tribute: A Study in Voluntary Social Service. By Madge Unsworth. London: Salvationist Publishing and Supplies, Ltd. Price 6s.

In a foreword to this book, Lady Allen of Hurtwood describes it as a dedication to a fine army of men and women who offer confidence and love to those unfortunate and unhappy souls who, through man's inhumanity to man, have fallen by the wayside. After reading it, we agree, and hope it will have a wide sale.

The British public owes much to the Salvation Army for its pioneer social service work, and this is appreciated not least by magistrates and those associated with the courts. The first shelter for girls was started in 1881, followed three years later by the beginning of rescue work in East London, after which the movement spread throughout the country and later to all over the world. One of the most interesting sections of the book describes what led up to the passing of the Criminal Law Amendment Act, 1885, and in particular the campaign of Josephine Butler, Bramwell Booth and W. T. Stead, then editor of the *Pall Mall Gazette*, who was so filled with indignation that he committed a technical breach of the law, which resulted in his being sentenced to three months' imprisonment. This seems to have been the final factor in getting the legislation through Parliament.

The Salvation Army has, however, been a pioneer in many other fields of social service. For instance, it was the first body to recognize the need for old people's homes, and opened its first Eventide Home in this country in 1910, although it had already opened one in Norway in the previous year. The first Home for Mothers and Babies was opened over sixty years ago. The Army has also been active in the field of Child Welfare, and was largely responsible for the reforms which were produced by the Children Acts of 1933 and 1938.

The book is not published directly as an appeal for funds, but we are sure that others who read it with the same pleasure as we have done will feel ashamed at the thought that it was necessary for members of the Salvation Army to suffer so many hardships in getting the public conscience aroused in the early days and gratification that it is still doing such good work in supplementation of the various social services which are now the responsibility of public bodies.

Juvenile Delinquency. By Paul W. Tappan. New York and London: McGraw-Hill Publishing Co. Price 30s.

A large and thorough piece of work from America. Naturally, it is mainly about the problems and methods of the United States, which differ from ours sufficiently to make useful comparisons a matter of some difficulty. Mr. Tappan has some kind things to say about English institutions, although he wrote before the Criminal Justice Act, 1948, came into force (and incidentally at a time when he could say with reasonable accuracy that £25 equalled a hundred dollars).

Particularly interesting to British readers is Mr. Tappan's discussion of probation as a method of dealing with offenders. The general impression which one gains is that while in the practice of probation we in this country are on the whole ahead of the United States—he says that the most widespread ideas of probation in practice are those of "leniency" and "policing"—the United States has progressed much further than we have in critical analysis of the probation method. Our best probation officers no doubt get the best out of the system, but it may be that they could know more clearly why they are good, and that those who are not so good could learn to improve, if there were more detached study on the lines exemplified in Mr. Tappan's book. More especially his remarks on directing case work with due regard to the function of the court, and on the danger that leadership will produce dependence, have an application on this side of the Atlantic.

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LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 20.

MARRIED WOMEN (MAINTENANCE) ACT, 1949—CONTINUATION OF ORDER

An application by a married woman under s. 2 (2) of the Married Women (Maintenance) Act, 1949, came before the Stipendiary Magistrate, Mr. J. P. Eddy, K.C., at East Ham Magistrates' Court on January 27, 1950.

In 1941, the applicant obtained an order against her husband for the payment of 30s. per week (afterwards reduced to 25s.) in respect of the maintenance of herself, and of 10s. per week in respect of their child until he should attain the age of sixteen. The boy attained the age of sixteen on December 15 last—the day before the new Act received the Royal Assent. The applicant now applied for an order directing that the payments in respect of the child should continue for such period (within two years) as he should continue to be engaged in a course of education at a secondary technical school of building.

For the applicant, a solicitor submitted that one of the meanings of the word "continue" was to resume after interruption. He argued that there should be a liberal construction of the subsection, and he cited the observations of Lord Justice Denning on the interpretation of a statute in *Seaford Court Estates* v. *Asher*, [1949] 2 K.B. 481.

The husband's solicitor submitted that the order in respect of the child was at an end—it was at an end before the new Act became law—and there was nothing to continue.

The learned Stipendiary Magistrate dismissed the application. He said he thought the phrase "provision is made by the order" must refer to an existing order. Further the phrase "it is expedient for that purpose that the payments required by the order should continue," and in particular the word "continue," pointed to the same conclusion. If it were otherwise, where was the line to be drawn? Could this language be used in regard to payments which had wholly ceased six months or twelve months previously? One might speak of reviving such payments, but it would surely be inappropriate to speak of continuing them. No doubt the word "continue" might mean to resume after interruption. But in his view on December 15 there was cessation and not merely interruption.

COMMENT

This is clearly a hard case but no one can doubt that the right decision was reached by the learned Stipendiary.

It will be remembered that subs. (2) of the Act provides that if it appears that a child for whose maintenance provision is made by an order is or will be engaged in a course of education or training after attaining the age of sixteen and that it is expedient for that purpose that the payments required by the order should continue, the court may by order direct that those payments shall continue for such period after the child attains that age, not exceeding two years from the date of the order, as may be specified. Subsection (3) of s. 2 provides for further extensions of such an order but no extension may be granted to take effect after the child reaches the age of twenty-one.

Lord Justice Denning's observations on the interpretation of statutes contained in his judgment in *Seaford Court Estates Ltd.* v. *Asher* (*supra*) deserve to be widely read and digested.

The observations are too lengthy to be set out *in extenso* but the following passage epitomizes the views of the learned Lord Justice: "When a defect appears (in an Act of Parliament) a judge cannot simply fold his hands and blame the draftsman. He must set to work on the constructive task of finding the intention of Parliament, and he must do this not only from the language of the statute, but also from a consideration of the social conditions which gave rise to it, and of the mischief which it was passed to remedy, and then he must supplement the written word so as to give 'force and life' to the intention of the legislature."

Later he says, "Put into homely metaphor it is this: A judge should ask himself the question: If the makers of the Act had themselves come across this ruck in the texture of it, how would they have straightened it out? He must then do as they would have done. A judge must not alter the material of which it is woven, but he can and should iron out the creases."

(The writer is indebted to Mr. G. A. Parkin, clerk to the justices, East Ham, for information in regard to this case.) R.L.H.

No. 21.

ATTEMPTING TO SELL A HOUSE AT AN EXCESSIVE PRICE

On January 19, 1950, a building company and a man alleged to have been acting as the accredited agent of the company, were charged at Aldershot magistrates' court with offering for sale a house for £2,200, the price authorized by the licence being £1,535, contrary to s. 7 Building Materials and Housing Act, 1945.

For the prosecution it was stated that the wife of the male defendant, an undischarged bankrupt, was a director of the defendant company. In December, 1948, licences were issued to two individuals for the construction of a pair of semi-detached houses in an Aldershot road. One of the licencees subsequently found that he was unable to take up the licence as he had fallen out of work and the male defendant returned to him the deposit he had paid. In August, 1949, a credit outfitter, in business in Aldershot, was anxious to get a house and saw the male defendant and at a subsequent meeting with him there was present in an adjoining room a detective sergeant who overheard a conversation.

Formal evidence was given for the prosecution by the architect who prepared plans for the pair of houses, by the borough surveyor who gave evidence of the granting of building licences, and by the building inspector who stated that the licence was originally issued for £1,130 in respect of a bungalow and was subsequently raised to £1,535. The outfitter stated that he saw the male defendant who told him that the original purchaser was unable to occupy one of the semi-detached houses and for a consideration he could purchase it. At a subsequent meeting in his shop with the defendant, a detective sergeant was concealed in an adjoining room. The defendant asked if he had made up his mind about the house and witness stated he was still keen and wanted to know the exact figure. The defendant said the purchase price was £2,200 and when asked the controlled price he thought the defendant had said £1,550. It was agreed between them that £665 should be paid in cash.

In cross-examination the witness agreed that he wanted a garage at the rear of his house for his vans and also a right of way. A question of letting a part of the house was mentioned and the installation of fireplaces upstairs was discussed.

The witness denied that it was his suggestion that part of the money should be paid in cash.

The detective sergeant stated that he overheard a conversation between the outfitter and the defendant in which the defendant stated that the price was £2,200, the controlled price £1,550 and that, upon the outfitter suggesting that the defendant wanted £665 in cash, the defendant had replied affirmatively.

The defendant gave evidence and said that the outfitter had suggested certain alterations and additions and mentioned a figure of £2,000. Witness told him it might cost a little more than that and might run into £2,200. Cross-examined as to why he had asked for £665 in cash defendant stated "When he was at my place we had two or three drinks and got very friendly. He said he wanted to pay the money in cash, I did not care tuppence whether he paid by cheque or in cash."

The justices decided to convict and imposed fines of £50 on the defendant company and on the male defendant and ordered payment of 25 guineas costs to be shared between them.

Notice of appeal was given consequent upon the conviction but such notice was withdrawn on March 3 last.

COMMENT

This case differs from most of the cases brought under this section in that the alleged offence was of offering for sale as no cash was in fact exchanged.

The prosecution had to satisfy the court that the male defendant was acting as an accredited agent of the builders and the suggestion was put forward that the company was purely a cloak for the activities of a man who was an undischarged bankrupt at the material time.

It will be recalled that s. 7 of the Act provides for heavy penalties upon summary conviction, power being given to impose three months imprisonment, such amount as will, in the opinion of the court, secure that the defendant derives no benefit from the offence, and a further amount of £100. In this case, of course, neither defendant in fact derived any benefit.

(The writer is indebted to Mr. D. Llewellyn Griffiths, O.B.E., solicitor, town clerk of Aldershot, for information in regard to this case.) R.L.H.

PENALTIES

Oxford—February, 1950—assault—fined £2. Defendant, a taxi driver, struck another taxi-cab driver three times with a starting handle on the neck and cheekbone; six stitches had to be inserted. Cross summons for assault against the injured driver was dismissed.

THE WEEK IN PARLIAMENT

By Our Parliamentary Correspondent

As had been expected, the present Session of Parliament will concentrate on administration rather than legislation. The only measures definitely promised in the King's Speech for this Session are Bills to:—

(1) Amend the law relating to allotments;
(2) Amend the Medical Acts;
(3) Alter the law relating to midwives;
(4) Provide a uniform code for regulating the breaking-up of streets by public utility undertakings;
(5) Empower highway authorities to place and maintain cattle grids in highways;
(6) Regulate and improve conditions on fishing trawlers; and
(7) Further encourage the transfer of industrial undertakings to the development areas.

It is not definitely stated that Bills relating to leasehold reform and water supplies will be introduced this Session. Regarding leasehold, it is merely stated that the Government will, on receipt of a further report from the Leasehold Committee, consider what legislation can be introduced to amend the law in respect of residential and business premises. On water supplies, it is only stated that preparatory steps will be taken with a view to the introduction of legislation as soon as circumstances permit.

PUNISHMENT FOR VIOLENCE

Among the first questions to be asked in this Parliament were a number concerning crimes of violence.

Sir Herbert Williams (Croydon East) asked the Secretary of State for the Home Department whether he would now introduce legislation to amend the Criminal Justice Act, so as to provide for the restoration of corporal punishment in suitable cases.

The Secretary of State for the Home Department, Mr. Chuter Ede, replied that the question whether the criminal courts should have power to award corporal punishment for offences such as armed robbery and robbery with violence was a controversial one, on which the differences of opinion did not follow party lines. The question had been fully debated when the Criminal Justice Bill was before Parliament, and Parliament then decided to include a provision in the Bill taking away such a power from the courts. He had no evidence which in his view warranted the re-opening of the decision then reached.

Sir H. Williams: "Is the Minister aware that the number of women attacked by men armed with coshes is so large that it is time he adapted his mind to the circumstances now prevailing?"

Mr. Ede: "The number of offences that were punishable by corporal punishment before the alteration of the law has, in fact, fallen since its repeal. In the nine months to September, 1948, there were 711 such offences. Corporal punishment was abolished on September 13, 1948, and in the corresponding nine months of 1949 the number of offences for which this penalty could otherwise have been awarded fell from 711 to 597."

Mr. B. Braine (Billericay) asked the Home Secretary to assure the House that in this Parliament the first consideration of his Department would be the preservation of life and property.

Mr. Ede replied that it was the duty of his Department to see that life and limb were adequately safeguarded.

Asked why, if flogging was not considered to be a deterrent, it was still retained in prisons for attacks on wardens, Mr. Ede replied: "Because there, there is no other punishment that can be applied."

CAPITAL PUNISHMENT

Answering questions about the Royal Prerogative and capital punishment, Mr. Ede said that the fact that a strong recommendation to mercy was made by a jury was one of the factors that were given the most careful consideration. But after five years' experience in the matter, he could not accept the doctrine that that should be a final and determining factor when the Home Secretary had to consider the decision he had to take.

Asked whether consideration of that matter was in the terms of reference of the Royal Commission on Capital Punishment, Mr. Ede said they were considering what modifications could be made, and it might be, judging by the evidence that had been placed in front of them, that the decision of the Home Secretary in the matter might be one of the subjects on which they would make observations and, possibly, recommendations.

Mr. S. Silverman (Nelson and Colne) asked whether Mr. Ede was aware that in a number of recent cases decisions that had been made had caused the widest possible anxiety and distress.

"I have a duty to discharge," replied Mr. Ede. "It is an exceedingly difficult and delicate duty, and I am only too well aware that on occasions when I reach certain decisions, for reasons which I cannot disclose, there may be, in consequence, great misgiving in the mind of the public—misgiving which would be removed if I could disclose my reasons. I am, however, precluded, and, I think, rightly precluded, from doing so."

OFFICIAL SECRETS ACT

Sir Waldron Smithers (Orpington) asked the Prime Minister whether, in view of the revelations in the Fuchs case, he would introduce legislation to amend the Official Secrets Acts with punishment to include the death penalty.

The Prime Minister: "No."

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF LORDS

Wednesday, March 8

SOLICITORS BILL, read 1a.
MIDWIVES (AMENDMENT) BILL, read 1a.

HOUSE OF COMMONS

Thursday, March 9

POST OFFICE AND TELEGRAPH (MONEY) BILL, read 1a.

NOTICES

The next court of quarter sessions for the borough of Guildford will be held on April 1 at the Guildhall, Guildford, at 11 a.m.

The next court of quarter sessions for the borough of Blackpool will be held on April 3.

Symbol of happy and devoted service

At home, abroad, by night, by day—Christianity in action! The work of The Salvation Army depends as much as ever on voluntary donations, bequests and legacies. Will you please help? Write to GENERAL ALBERT ORSBORN, C.B.E., 101, Queen Victoria Street, E.C.4. Copies of illustrated brochures and magazines describing the Army's activities will gladly be sent free on request.

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PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—**Costs**—*Enforcement—Abatement order under Public Health Acts.*

A defendant is ordered to comply with the requirements of an abatement notice under the Public Health Act, 1936. He is not fined, but is ordered to pay certain costs within seven days. As the costs were not paid a distress warrant was issued, and this has been returned with a *nulla bona* endorsement. I have referred to ss. 18, 21 and 22 of the Summary Jurisdiction Act, 1848; s. 5 of the Summary Jurisdiction Act, 1879; s. 25 of the Criminal Justice Administration Act, 1914; and s. 11 of the Money Payments (Justices Procedure) Act, 1935, but am not clear as to the position, and shall be glad of your valuable help. Can the defendant now be committed to prison without examination as to his means? If so, in what manner and by whom is the matter brought before the court to decide what the term of imprisonment should be. If not, how is the defendant brought before the court? I can find no form. Form 16o Summary Jurisdiction Rules, 1935, is a *fine* defaulter's summons. Generally, am I correct in assuming that a fine defaulter's summons or warrant can only be issued in the case of an unpaid fine, and that where there is no penalty on a conviction, but costs are ordered to be paid, one can only issue a distress warrant in the first instance if these are unpaid?

SABATE.

Answer.

In this case there seems to have been an order upon complaint, the complaint not being for the recovery of money but to do an act. By s. 18, *supra*, such costs as are awarded upon the making of the order are recoverable by distress, and in default of distress by imprisonment. It is not required by the succeeding sections that there should be an appearance and hearing in court for the purpose of fixing the alternative imprisonment; this can be done at the time of making the order or subsequently by a justice to whom the return to the distress warrant is made. The provisions of s. 1 of the Criminal Justice Administration Act, 1914, and of s. 1 of the Money Payments Act, 1935, apply to a sum adjudged by a conviction, and therefore do not appear to apply to this case.

It is anomalous that there should, in certain circumstances, have to be a means inquiry about the payment of a penalty, but not of costs, and we suggest that it would be reasonable to give the defendant an opportunity of appearing and making representations before any warrant of commitment is issued. This would be upon a notice, not a summons or warrant.

If there was a conviction, there is no difficulty about the procedure, because then the provisions of s. 1 of the Act of 1914 and s. 1 of the Act of 1935 would apply. These apply to any sum adjudged by a conviction, including costs, even where there is no fine. *See* s. 49, Summary Jurisdiction Act, 1879, and the application of the definition in the two later Acts. In that event, process under s. 11 of the Money Payments Act, 1935, would be the next step. The fact that there is no fine does not alter the position if there is a conviction.

2.—**Fines**—*Recovery—Defendant in Eire.*

With reference to P.P. 2 at p. 134, *ante*, I note that you are of opinion that a warrant of commitment may be backed for execution in Eire, but in the cases I am dealing with immediately after the defendants were convicted they returned home to Eire with the result that there has been no inquiry into their means under the Money Payments Justices Procedure Act, 1935, nor have the defendants been committed in default of payment. Apparently it would not be possible to make transfer of fine orders and it is also very doubtful whether there is power to execute distress warrants in Eire but I shall be grateful to receive your valued opinion as to this.

SUF.

Answer.

Distress warrants are not mentioned in s. 3 of the Summary Jurisdiction Act, 1848, and it appears useless to send such warrants to Eire for execution. If the defendants were allowed time for payment and the alternative imprisonment was not imposed at the time, a commitment cannot be issued until there has been a means inquiry in the presence of the defendants, but process under the Money Payments (Justices Procedure) Act, 1935, cannot be sent to Eire for execution; that Act does not apply at all to Eire.

It seems, therefore, that nothing can be done unless the defendants can be found in some part of the United Kingdom: *see* s. 11 (2) of the Money Payments Act, 1935.

As to writing off the fines as irrecoverable, this seems to be simply a matter of accounts. The clerk will naturally enter in his books a statement that the defendants are in Eire and that no process can be executed.

3.—**Land**—*Compulsory purchase—Vendor's solicitor's costs.*

Land is now being acquired under the Restriction of Ribbon Development Act, 1935; the Local Government Act, 1933, and the Acquisition of Land (Authorization Procedure) Act, 1946. There were negotiations between the proposed vendor's solicitor before a compulsory purchase order was made; there was a compulsory purchase order and a public inquiry, and the result of the public inquiry was that the Minister confirmed the compulsory purchase order. The question has arisen from what date the vendor's solicitor is entitled to charge costs. I can find very little authority on the point apart from s. 82 of the Land Clauses (Consolidation) Act, 1845. Is the vendor's solicitor entitled to costs from the date of the first negotiation, or is he limited to the costs envisaged by s. 82 of the 1845 Act?

AL.

Answer.

There is very little direct authority, but we think the charge against the purchaser begins with the date of the contract. This is categorically stated in at least one recent text book, and seems to be the best inference from the remarks of Kay, L.J. in *Re Barkekin* (1895) 72 L.T. 639, and various passages in *Re Stewart* (1889) 60 L.T. 737.

4.—**Landlord and Tenant**—*Landlord and Tenant (Rent Control) Act, 1949—Rent Restriction Acts—Re-assessment of rateable value.*

An application is made to the rent tribunal under s. 1 of the Landlord and Tenant (Rent Control) Act, 1949, to determine the reasonable rent for a self-contained flat, so converted and first let in 1945, at present assessed at £63. This rateable value is a re-assessment effective from this year, the assessment when the flat was first let having been £81. The limit for the purposes of the Rent Restriction Acts in this area is £75.

(*a*) Do you consider that s. 12 of the 1920 Act (as amended by sch. I to the 1939 Act) has the effect of excluding these premises from the Acts?

(*b*) Since the re-assessment was not based on any grounds of change, but solely on the view that the premises were over-assessed, would not the tenant have some prospect of having the re-assessment ante-dated to the date of first assessment?

(*c*) Have you note of any decided cases in respect of (*a*) above?

ATEN.

Answer.

(*a*) and (*c*) No, because the flat, as we understand the facts, came into existence in 1945. It was formed by conversion, *i.e.*, forms part of a larger structure, so that s. 7 (2) of the Act of 1939 almost certainly puts it (on the figures given) within the Act of 1939.

(*b*) No: the new value will ante-date to the beginning of the rating period in which the proposal for re-assessment was made.

5.—**Magistrates**—*Practice and procedure—Cases to which s. 17 of the Summary Jurisdiction Act, 1879, applies—Non-appearance of defendant.*

Do you agree that, by virtue of the amendment, s. 17 of the Summary Jurisdiction Act, 1879, courts of summary jurisdiction are empowered to deal with non-indictable offences (as specified in the section) in the absence of defendants, unless their attendances are necessary for the purpose of "binding over" and when there is likelihood of committals to prison?

S.U.J.

Answer.

If the defendant does not appear either personally or by advocate, the court is entitled to proceed in his absence under s. 13 of the Summary Jurisdiction Act, 1848. It is clear that under s. 17 of the 1879 Act, as amended, by not appearing personally he loses his right to claim trial by jury. Even if the case may result in imprisonment or an order to enter into a recognizance, the court is still entitled to proceed in the defendant's absence, though it may in some cases think it proper to enforce his attendance. If, however, in a summary case he appears by counsel or solicitor a warrant ought not to be issued, *Bessell* v. *Wilson* (1853) 17 J.P. 567.

6.—**Magistrates**—*Practice and procedure—Proceedings against company—Plea of guilty contained in letter.*

A limited company sent a letter to the court pleading guilty to the offence in respect of which it was summoned.

In the light of the judgment that "companies and other corporate bodies must appear by counsel or solicitor," doubt was expressed as

to whether the letter could be accepted and the charge proceeded with, and the hearing was adjourned.

Your valued opinion would be appreciated.

S.C.O.

Answer.

We assume the question relates to a summary offence, in which case the procedure must be in conformity with the Summary Jurisdiction Acts. The Act of 1848, s. 13, provides for a hearing in the absence of a defendant who fails to appear, and it is clear that the parties may appear by counsel or solicitor. Nowhere is it provided that the court may act upon a written plea from a defendant, whether a company or an individual. The defendant cannot plead by letter, and the court cannot dispense with evidence on oath proving the case. If no one appears for the company, and due service of the summons is proved, the proceedings may be had *ex parte*.

7.—**Music and Dancing**—*Public Health Acts Amendment Act, 1890: part IV—Dancing lessons—Sunday dance club.*

1. A advertises in the local press stating that dancing classes for persons of varying proficiency are held throughout the week for which fees for each session are listed. It appears that persons are not asked to pay for a course of lessons, but can attend as and when they please. In your opinion in these circumstances is a licence necessary for public dancing under the Public Health Acts Amendment Act, 1890?

I would also be obliged by your opinion as to the following:—

2. B hall is licensed for public music and dancing under the Public Health Acts Amendment Act, 1890, a condition being that the premises shall be used for music alone on Sunday, Christmas Day and Good Friday. A dancing club has been formed and dancing restricted to members takes place on Sundays. It is clearly a subterfuge to evade the restrictions on the licence. On an application for renewal, if the justices inserted a further condition prohibiting the use of the premises for dancing (as opposed to public dancing) would such a condition in your opinion be *ultra vires*.

A.M.D.

Answer.

1. There is no rule of law requiring dance pupils to book a course of lessons. There may be ground for suspicion, but the question whether the so-called classes are in truth public dances is, in the last resort, a question of fact.

2. Looking to the decisions noted in *Stone*, we think such a condition likely to be held *intra vires*.

8.—**Road Traffic**—*Provision of bus shelters.*

I have carefully considered the article on this subject at 113 J.P.N. 397, and the letter from Mr. W. Hugh Jones at p. 401 of that issue, and I should be glad if you would let me have your views on the following query. One of the villages in this district is a tourists' resort, and the parish council is anxious to provide shelter for the many people who wait for buses there. The parish council has adopted the Public Improvements Act, 1860, and owns a site which does not form part of the highway. Would the parish council be justified in erecting a shelter on this land by virtue of the Act and, if so, how should the erection be financed?

A.P.B.

Answer.

At the pages cited we were speaking of shelters on highways. We agree that a parish council can provide a shelter on land beside, not on, the highway. Shelters from rain will serve equally to shelter people from sun and wind. The Act of 1860 contemplates a rate, which is excluded from the limitation in s. 193 (3) of the Local Government Act, 1933. The borrowing power of s. 195 of the Act of 1933 is available.

9.—**Water Supply**—*Payment for water used in extinguishing fires—Fire Service Act, 1947, s. 15.*

This authority as a water undertaker operating under a local Act owns a pumping main passing through a parish which is not within the authority's area of supply. There is a branch main also the property of the undertakers, originally installed with the consent of the local authority in whose area the parish is situate. On this branch main are hydrants originally fixed to facilitate the washing out of that main but available for use for fire fighting purposes. At a recent fire a quantity of water was used for the purpose of extinguishing it, and an account was delivered in respect of the estimated consumption, liability for which has been repudiated both by the local authority and the fire authority. The contention of the latter is that the provision of s. 15 of the Act of 1947 precludes the payment of compensation for water used for such purpose in the case of undertakers to whom s. 42 of the Waterworks Clauses Act, 1847, or s. 36 of sch. 3 to the Water Act, 1945, applies, and that in neither of these Acts is there in connexion with the sections referred to any indication that area of supply shall govern application of the sections. The statutory undertakers contend that it cannot have been the intention of Parliament that an undertaking should have to supply water for the extinguishing of fires without charge in places outside its area of supply. It should be mentioned that no agreements of any kind exist between the undertakers and the local authority for the parish in which the branch main is situate. Can the water undertakers recover from the fire authority or from the local authority any payment in respect of water used in these circumstances for extinguishing fires?

A. Cor.

Answer.

Section 1 of the Waterworks Clauses Act, 1847, says that "all the clauses of this Act" (a phrase which covers s. 42) "shall apply to the undertaking authorized by" the special Act. The pipe here is presumably authorized by the special Act. What is the "fire plug" to which the section applies seems therefore to be the only question: in ss. 39 and 40 we find "such fire plug," meaning a fire plug provided in pursuance of s. 38. Others may be provided under s. 41, but in s. 42 the word "such," or other reference back to foregoing sections, does not occur, and the fire plug seems therefore to be any plug from which water can in fact be taken for fighting fires, whether provided under s. 38, or under s. 41, or otherwise. If s. 36 in sch. 3 to the Act of 1945 applies, water may be taken without payment from "any pipe of the undertakers," *i.e.*, not merely those in the area of supply, "on which a hydrant is fixed." We think it right to call attention, as against our view of the law, to *Weardale and Consett Water Co. v. Chester-le-Street Co-operative Society* (1904) 68 J.P. 386, where the Divisional Court rejected as "quite extravagant" an argument that defendant was entitled to take water for extinguishing fire from a fire plug on a pipe belonging to him, and laid for agricultural purposes, through which he drew water from the pipes of the undertakers. Both Lord Alverstone, C.J., and Wills, J., expressed the opinion that the plugs in s. 42 are the plugs of ss. 39-41: they did not envisage the present case, of plugs (or hydrants) which are not provided in pursuance of the obligation created by the Act, and therefore they did not notice the absence of "such" from s. 42. The present question is eminently arguable, and you may be performing a public service by obtaining a judicial decision upon it, but, as at present advised, we are against you on the point of law.

IMPERIAL CANCER RESEARCH FUND

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The Fund was founded in 1902 under the direction of the Royal College of Physicians of London and the Royal College of Surgeons of England and is governed by representatives of many medical and scientific institutions. It is a centre for research and information on Cancer and carries on continuous and systematic investigations in up-to-date laboratories at Mill Hill. Our knowledge has so increased that the disease is now curable in ever greater numbers.

Legacies, Donations, and Subscriptions are urgently needed for the maintenance and extension of our Work

Subscriptions should be sent to the Honorary Treasurer, Sir Holburt Waring, Bt., at Royal College of Surgeons, Lincoln's Inn Fields, W.C.2

FORM OF BEQUEST

I hereby bequeath the sum of £ to the Imperial Cancer Research Fund (Treasurer, Sir Holburt Waring, Bt.), at Royal College of Surgeons of England, Lincoln's Inn Fields, London, W.C.2, for the purpose of Scientific Research, and I direct that the Treasurer's receipt shall be a good discharge for such legacy.

COUNTY OF LEICESTER

Appointment of Assistant Solicitor

APPLICATIONS are invited for the appointment of Assistant Solicitor in the Clerk of the Council's Department of the Leicester County Council at a salary within A.P.T. Grade IX of the National Joint Council's scales (£750 x £50—£900 per annum).

Travelling and subsistence allowance will be paid in accordance with the National Joint Council's scale.

Applicants must have had experience in the Local Government service, and the successful applicant will be required to pass a medical examination. The post will be subject to the Local Government Superannuation Act, 1937, and to the Scheme of Conditions of Service of the National Joint Council for Local Authorities' A.P.T. and Clerical Services.

Applications should be submitted to the undersigned in writing, stating previous experience and the names of three referees not later than April 14, 1950.

Special consideration will be given to applications from Registered Disabled Persons.

JOHN A. CHATTERTON,
Clerk of the County Council.

County Offices,
Grey Friars,
Leicester.

HAMPSHIRE COMBINED PROBATION AREA

Appointment of Full-Time Male Probation Officer

APPLICATIONS are invited from persons who have had experience and training as Probation Officers for the appointment of a full-time male officer for the above area. Candidates must be not less than 23 nor more than 40 years of age (except in the case of serving officers).

The appointment and salary will be in accordance with the Probation Rules and the salary will be subject to superannuation deductions. The successful applicant will be required to provide a motor car for which an allowance will be paid in accordance with the County scale for the time being in force, and he will be required to act in the Aldershot, Alton and Whitehill areas.

Applications, giving particulars of age, education, present salary, qualifications and experience, with the names and addresses of not more than three persons to whom reference may be made, should be submitted to the undersigned not later than April 1, 1950. Canvassing, either directly or indirectly, will be a disqualification.

G. A. WHEATLEY,
Clerk to the Probation Committee.

The Castle,
Winchester.
March 10, 1950.

INQUIRIES

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HAMPSHIRE

APPLICATIONS are invited for the post of Committee Clerk on the staff of the Clerk of the Hampshire County Council. Previous experience of Local Government administration is desirable.

The salary will be in accordance with Grade V/VI, A.P.T. of the National Scale of Salaries. The appointment will be subject to the provisions of the Local Government Superannuation Act, 1937, and to the Scheme of Conditions of Service of the National Joint Council for Local Authorities' Staffs. The appointment will be subject to the receipt of a satisfactory medical report and will be terminable by three calendar months' notice on either side. In approved cases, the County Council are prepared to assist newly appointed members of the staff to meet removal and other expenses.

Applications, stating age, education, experience, and giving the names of two persons to whom reference may be made, should reach me not later than March 24, 1950. Canvassing, either directly or indirectly, will be a disqualification.

G. A. WHEATLEY,
Clerk of the County Council.

The Castle,
Winchester.
February 28, 1950.

COUNTY OF SURREY

Petty Sessional Division of Wallington

APPLICATIONS are invited for the appointment of Second Assistant in the office of the Clerk to the Justices for this Division.

Applicants should be experienced in the general duties of a justices' clerk's office, including the keeping of magisterial accounts. They should be able to take a second court without assistance, and a knowledge of typewriting is essential.

Salary in accordance with Grade A.P.T. III of the National Scale (£450 x £15—£495 plus £20—£30 London Weighting according to age). The post is superannuable under the Local Government (Superannuation) Act, 1937.

Applications stating age, and particulars of experience and copies of two testimonials to be sent to the undersigned by March 25th, 1950.

A. J. CHISLET,
Clerk to the Justices.

18, Stanley Park Road,
Wallington, Surrey.

METROPOLITAN BOROUGH OF FULHAM

Assistant Solicitor

APPLICATIONS are invited from Solicitors for this appointment.

Salary—A.P.T. Grade VIII (£685 x £25—£760 p.a., plus London weighting of £20 at ages 21 to 25 and £30 at age 26 and over).

Applicants must have a sound knowledge and experience of conveyancing, advocacy, Court practice and the preparation of contracts and agreements of all types.

Applications stating age, qualifications and experience, present and past appointments, together with the names of two referees and endorsed "Assistant Solicitor," must be delivered at my office not later than March 25, 1950.

Canvassing will disqualify.

CYRIL F. THATCHER,
Town Clerk.

Town Hall,
Fulham, S.W.6.

BOROUGH OF GRAVESEND

Chief Assistant to Magistrates' Clerk

APPLICATIONS are invited from Solicitors and those fully experienced in the duties of a Magistrates' Clerk, for the above-mentioned position.

Salary—National Scale Grade IV (£480 x £15—£525).

Female Assistant to Magistrates' Clerk

APPLICATIONS are also invited for the above-mentioned position. Shorthand and typewriting essential. Previous experience in a Magistrates' Clerk's Office or other Legal Office will be an advantage.

Salary—National Scale Clerical Division (£316 x £12—£352).

Both appointments are whole-time and subject to medical examination for superannuation purposes.

Applications in own handwriting, by March 30, 1950, together with two recent testimonials, to the Magistrates' Clerk, 191, Parrock Street, Gravesend, Kent.

CITY OF COVENTRY

Appointment of Two Male Probation Officers

APPLICATIONS are invited for the above appointments. Applicants must not be less than 23 years, nor more than 40 years of age.

An applicant who is not a trained probation officer, if appointed, will be in a temporary capacity in the first instance.

The appointments will be subject to the Probation Rules 1949 and the Salaries will be in accordance with the prescribed scales.

Applications supported by testimonials should reach the undersigned within ten days from the publication of this advertisement.

A. N. MURDOCH,
Secretary to the Probation Committee.

St. Mary's Hall,
Coventry.

LANCASHIRE (No. 2) COMBINED PROBATION AREA

Female Probation Officer

APPLICATIONS are invited for the above whole-time appointment. The Officer will be assigned to the Lancaster, Morecambe, and surrounding area.

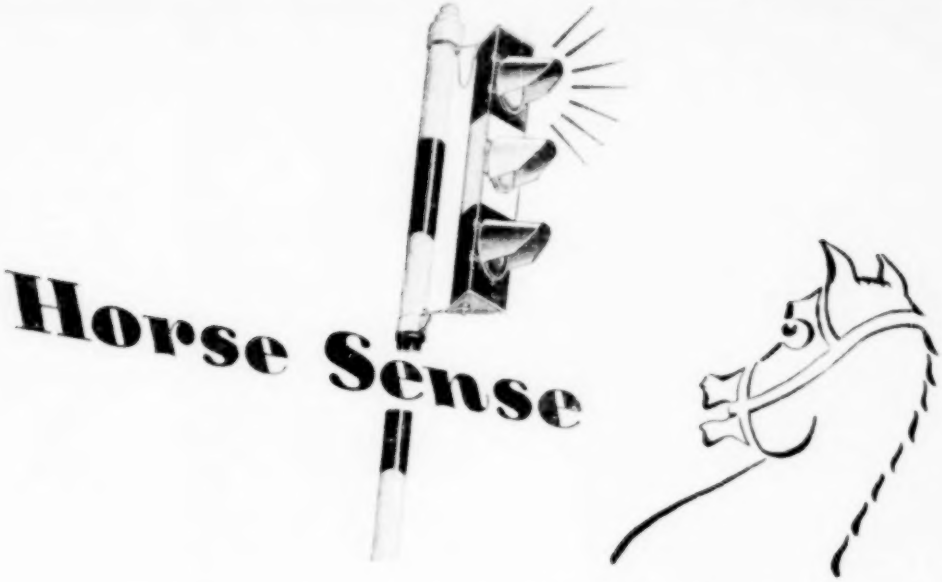
Applicants should be between the ages of 23 and 40 except in the case of a whole-time serving officer.

The appointment will be subject to the Probation Rules, 1949, and the Probation Officers' (Superannuation) Order, 1948. The salary will be in accordance with the prescribed scale and mileage allowance in connexion with the use of a car will be paid. The successful applicant will be required to pass a medical examination.

Applications stating age, qualifications and experience, together with copies of not more than two recent testimonials, must reach the undersigned not later than 14 days after the publication of this advertisement.

W. A. L. COOPER,
Clerk of the Committee for the above Area.

Justices' Clerk's Office,
Lancaster Road,
Preston.



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